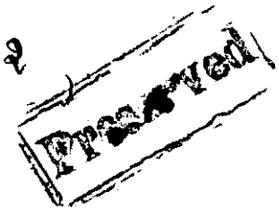
App. F. IX-4

Previous References

1931-2
J. 1



File No. 12-31
Serial Nos. 1-2

Later References

preserve

General and Revenue Secretariat.

Serial Nos. Two

Part B for Secret

SUBJECT.

Increase of fee for registering documents filed under section 277 of the Mysore Companies Regn

D 2052-9 15.10.31

Compiler only.

Notify the

R

G. R. S. APP F. III—1] 1931

GENERAL AND REVENUE SECRETARIAT.

(J.S)

NOTES.

J.S. File No. 12-31

FILE HEADING.

Raising the fee for ~~filing~~ registering any document ~~presented here~~ filed under Sec. 277 of the Indian Companies Regn.

FROM The Registrar of J.S. Cos.

No. C 231/31-32 Dated 18/19-9-1931 Received 22/9/31

Diary No. 1197	Enclos. 1	Spare copies —	Serial No. 1

BRIEF ABSTRACT OF LETTER

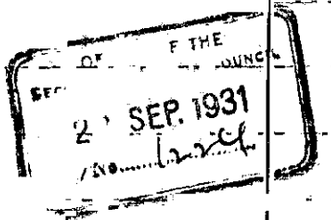
Forwards with his recommendation a draft notification for the raising of the fee for registering any document filed under Sec. 277 from Rs 3 to Rs 5.

K55.

NOTES AND ORDERS.

Submitted for orders.

KB 23/9 In view of the reasons urged by the Registrar of J.S. Cos his proposal to raise the fee for registering any document filed under Sec 277 from Rs 3/- to Rs 5/- may be sanctioned.



D. Secy) 23/9/31

2nd member) 3.10.31

29/9

9/9

L314

NOTES—First Sheet.

WD 02552—GPB—5,000—10-7-30

4. May the draft notification forwarded to the Registrar for approval issue?

5 Perhaps the standing committee on finance and Taxation may be consulted so also the Financial Secy

19 The draft ~~notn~~ sent up by the Registrar does not appear to be appropriate as it has been laid down in Sub Sec 7 of Sec 277 ~~that the fee to be paid~~ that the Regn shall be paid a fee of five rupees or such smaller fee as may be prescribed

8 The draft seems to be alright.

9 Smaller fee has been prescribed. Hence the need for the present Notification

7 The present rate of fee of Rupees three does not appear to have been prescribed in the Rules as stated by the Registrar but in the ~~Schedule~~ Table B (Please see later part of I.5 of the table) This view is correct the Table B appended to the Regn will have to be amended as also the figures 5 will have to be substituted for 3 at the Sp of forms XVII, XVIII, XIX, XX, XXI, XXII & XXIII appended to the Rules under Sec 157 of the Regn

10 Please see note 11

11 This ~~notn~~ Notification Sec 269 of 269 A does not apply to Companies established outside Mysore State

12 This has to be done.

Orders if the Law Section may also be consulted as to the form of the draft ~~notn~~

K.P.
1.10.37

Serial No.

87
Law

D Secy's attention is invited to the marginal remarks on the note supra. The draft notification sent by the Regr seems to be all right. If approved the Law Section may be consulted

D. Secy) 14 Law Section may be consulted. 21/10/31

IW

Law Secy)

IW 3/10. 3/10/31

Is Sub section 7 of Sec 277 of the Companies Regulation prescribes a fee of Rupees five "or such smaller fee as may be prescribed" for the registering of any document required by the section to be filed with the Registrar Under cl (12) of sec 2, "prescribed" here means "prescribed by the Govt" and since under sec 151 (4), Govt has power to make rules 'providing for all or any matters which by this Regn are to be prescribed by its authority", the prescribing of a smaller fee under Sec 277 had to be done by means of a rule.

16 Vide Rule 11 of the Mysore Companies Rules of 1919, ~~which~~ prescribes certain forms and directs that they or forms as near thereto as circumstances admit shall be used in all matters to which these forms relate. The rule by itself prescribes no fee, but the forms have mention on the top of it the fee

NOTE—Contn. Sheet.

WD 02553—G PB—50,000—8-7-30

5 is paid for filing them. The fees themselves are prescribed by Table B annexed to the Regulation itself and subsection 2 of sec 151 gives power to Govt to alter the table but not so as to increase the fee payable to the Registrar (Vide sec 249 also).

17 A fee of Rs 3/- appears to have been mentioned as the filing fee in forms XXII to XXIII, on the supposition that it is the fee prescribed under art I (5) ~~of Table~~ B or II (7) of Table B. But it is apparent that Table B does not deal with fees payable under sec 277. Since the Sub Section (7) of the said section itself prescribes the maximum fee payable under it. Otherwise, the result would be that since under Table B the fee is only Rs 3/- & sec 151 (2) gives no power to Govt to enhance the fee, it would mean that though sec 277 (7) prescribes a maximum fee of Rs 5/-, the maximum could never be levied. I think therefore that the mention of Rs 3 as the filing fee for the forms prescribed under sec 277 in the said forms is incorrect and it ought to be Rs 5/- which is the fee for similar documents in British India also.

18 In this view, the correct fee of Rs 5/- may be levied without any fresh rule or notification, but since a mistaken view has been taken all along and a fee of only Rs 3/-

App. r. III—2]

General and Revenue Secretariat

File No. 12 of 1931

Serial No.

SECRETARY OF COUNCIL
SEC'AT
1 OCT. 1931
No. 1616

Law

treated as the correct fee
has been charged all along, it is desirable to
issue a notification as proposed by the
Registrar of Joint Stock Companies, so as not to
give room for any further misapprehensions
in the matter.-

Genl Secy)

Pone
6/10/31

19 Dept Secy
with comps-

Pone
6/10

2nd member)

Pone
6/10

20 Pl a file

S/10

21 The Suggn in the
office note of 29.9.31 to consult
the St Govt Comrs of Finance & Taxn
on this simple matter regulated by
the laws & that too after orders were
passed by me is too irregular

S/10

22 May the draft notn issue?

KP
9.10.31

23 Issue

9/10/31

GENERAL SECRETARY.
6 OCT. 1931
No. 7/2510

TYPING SECTION
9. OCT. 1931
GENL & REV SECTT.

NOTE.—Copies Sheet.

WD 02553—G PB—50,000—8-7-30

b)

JS File No. 12 of 193 1

General and Revenu Secretariat

To The compiler, M. Gazette
D. 2052 dt 15-10-31

Notifies that the fee to be paid for registering a document under Sec 277 (7) of the Mysore companies Regn be raised from Rs 3/- to Rs 5/-

To
The Regr-J.S
D 2053 dt 16-10-31
Forwards copy of the above
May a copy be forwarded to the Comptroller thro' ?

2
26/10

Yes please
2 Printing Sects for three Copies pl
26/10/31

Dl. Cir. 117
Sanction has not been conveyed.
Draft Notification

28/10/31.

H. Lecy)
29.10.31

30/10

Issue
31.10.31

Communicate

To The Comptroller thro' Finance Secy
D 2168 dt 28-10-31
Forwards copy of the above

B
4/11

REV. SECRETARIAT
OCT. 1931
16/10
DEVELOPMENT BRANCH

DEVELOPMENT BRANCH.

GOVERNMENT OF MYSORE.

SECRETARIAT

SEP.

DEVELOPMENT BRANCH.

D 1197

IN REPLY PLEASE REFER TO
NO. C.221/31-32
ENCL. One

F-S 12-31-1

Office of the Registrar of Joint Stock Companies
in Mysore.

Dated, Bangalore 18th September *1931*.

FROM

D. SREENIVASA IYENGAR, Esq., B.A.,
Registrar of Joint Stock Companies in Mysore.

DEVELOPMENT SECRETARY
22 SEP. 1931

To

B.T. KESAVAIENGAR, Esq., B.A.,
Secretary to the Government of -
His Highness the Maharaja of Mysore,
Development Department,
B a n g a l o r e.

Sir,

Subject:- Mysore Companies Regulation, Section 277 (7).

I have the honour to state that Sub-Section 7 of Section 277 of the Mysore Companies Regulation enacts that the fee for registering any document filed under Section 277 is 'five rupees or such smaller fee as may be prescribed'. In the Schedule appended to the Rules made by - Government under Section 151 of the said Regulation (vide Rules under the Mysore Companies Regulation VIII of 1917) a fee of Rs 3/- has been prescribed for filing the said document. (vide Forms XVII, XVIII &c.) As this is considered low and as the companies paying it are foreign companies doing good business, I request that Government may be moved to raise the same to Rs 5/-. Draft of a notification is enclosed for - approval or other orders of Government.

(A)

I have the honour to be,

S i r,

Your most obedient servant,

D. Srinivasa Iyengar

R e g i s t r a r.

RKS

J.S 12-31-2
Notification

2

Government of His Highness the Maharaja of Mysore.

General and Revenue Departments
Dated, Bangalore 13/10/31

No. D 205-2/JS 12-31-2

N o t i f i c a t i o n.

With reference to Sub.Section 7 of Section 277 of the Mysore Companies Regulation, 1917 the Government of His Highness the Maharaja direct that the fee to be paid for registering a document filed under the said Section be Rupees five.

By Order

Secretary to Government
(Development Department

To the Compiler, mfg.
for publication and
supply of 50 copies of the
Notification to the Scott.

D 2053

Copy to the Regr. J.S.

Dy

Registrar
of Joint Stock Companies in Mysc

DR

Copy to Compiler, G.P.P. for
D 2168 / 28/10/31